

Remarks/Arguments

By the foregoing amendment to the specification, the title has been changed to one which more aptly describes the claimed invention.

As indicated in the cross-reference beneath the title on Page 1, this application is a continuation of Application No. 10/294,408 which, in turn, is a continuation of Application No. 09/125,329. In the prosecution of the latter application, restriction was required between the crystalline forms, *per se*, and pharmaceutical compositions containing them on the one hand, and the use of the crystalline forms to treat epilepsy on the other. Having obtained the allowance of the former as a result of the favorable Board decision rendered on November 17, 2003, this application is intended to be directed to the "non-elected" method-of-use aspect, exclusively. Accordingly, Claims 1-15 have been cancelled and replaced by "new" Claims 16-26. In this connection, since claims directed to the crystalline forms, *per se*, and pharmaceutical compositions containing them were deemed to be novel and unobvious over the prior art in Application No. 09/125,329, "new" Claims 16-26 are also believed to be novel and unobvious over the prior art. A process involving the use of a novel and unobvious composition of matter is itself novel and unobvious. In re Kuehl, 177 USPQ 250; In re Schneider et al., 179 USPQ 46; and In re Wadlinger et al., 181 USPQ 826.

In compliance with the duty of disclosure set forth in 37 CFR 1.56, the Examiner's attention is respectfully invited to all the references that are listed on the enclosed completed PTO-1449 forms. The listed references are of record in parent Application No. 10/294,408, filed November 14, 2002 and copies of said references may be found therein. However, Applicants are willing to send copies of any or all of these references at the Examiner's request.

Early examination of the claims and allowance of same are respectfully requested.

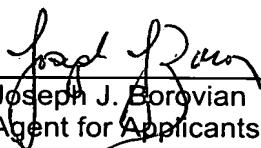
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JJB/Id

Encls.: Copies of PTO-1449 forms
Postcard

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